

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

12 MAR 26 2012 11:08 AM

UNITED STATES OF AMERICA

Plaintiff

-vs-

DAVID A. MELFI

Defendant

CASE NO. 4:10 CR 528-09

ORDER ACCEPTING PLEA  
AGREEMENT AND JUDGMENT

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Greg White regarding the change of plea hearing and plea agreement of David A. Melfi which was referred to the Magistrate Judge with the consent of the parties.

On 17 March 2011, the government filed a seven-count superseding indictment against David A. Melfi for conspiracy to distribute a controlled substance in violation of 21 U.S.C. § 846, possession with intent to distribute, sell or dispense in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), § 846, and unlawful use of a communication facility to facilitate a drug trafficking offense in violation of 21 U.S.C. § 843(b). On 31 March 2011, a hearing was held in which David A. Melfi entered a plea of not guilty before Magistrate Judge George S. Limbert. On 24 February 2012, Magistrate Judge White received David A. Melfi's plea of guilty and issued a Report and Recommendation

("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

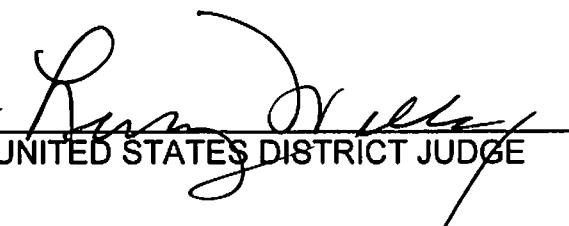
Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. David A. Melfi is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, David A. Melfi is adjudged guilty of Count One of the superseding indictment in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(B).

IT IS SO ORDERED.

Dated:

26 March 2012   
UNITED STATES DISTRICT JUDGE